

Response to Office Action Dated March 8, 2007
June 8, 2007
A-1583CON
Page 6

REMARKS

Claims 1, 22, 26, 31, and 32 have been amended, claims 6, 9, and 10 have been newly canceled, and new claims 33-35 have been added. Accordingly, claims 1-5, 8, 11-12, 21-22, 26, and 28-35 are now pending in the application.

Applicant is disappointed that, after extended prosecution, and after agreement was reached as to the allowability of certain claims in the subject application, the Examiner has essentially started the entire process over again. However, in an effort to rapidly conclude prosecution, further amendments have been made to the claims to address the Examiner's new concerns.

Claims 32 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by the Ruggieri et al. '590 patent. Claim 9 has now been canceled. Claim 32 has been amended to more particularly recite that the access panel is fire protection rated to provide fire protection for at least a predetermined period of time greater than thirty minutes. This feature is supported in the specification, particularly on page 5. The Examiner asserts that Ruggieri discloses an access panel which is fire protection rated because it is made out of sheet metal. Of course, as is clear from the specification and well known in the prior art, a fire protection rating is something that is issued by an appropriate authority, after testing, to indicate a particular period of time during which the rated structure will protect a space on one side of the structure from a fire of a particular intensity on the other side of the structure. Ruggieri et al. can provide no fire protection whatsoever, because the structure disclosed therein is a cage rack, on wheels, and if placed in contact with a fire will immediately permit transit of the fire into the cages through the apertures 42. Clearly, for at least this reason, Ruggieri et al. does not anticipate claim 32.

Claims 1, 3-6, 21, 26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maus '563 in view of Demurjian '344. It is noted that claim 1 has been amended in a manner similar to claim 32, and claim 26 has been amended to claim the apparatus in the context of a structure, including fire-rated walls. Clearly, the proposed reference combination does not render these claims unpatentable. The office action asserts that Maus discloses an "access panel", wherein the "access panel" is fire

Response to Office Action Dated March 8, 2007
June 8, 2007
A-1583CON
Page 7

protection rated, citing col. 7, line 60. However, reference to col. 7, line 60 reveals that this text is in claim 15, which recites that "wherein in the case of a fire doors in all stalls should be opened immediately to release the purebred animals, wherein a certain delay in opening the doors in all stalls by a personnel and reluctance of the animals to leave their stalls may lead to death of the animals". This text actually appears to teach that the disclosed structure provides little or no fire protection, as it requires that the stall doors be immediately opened to prevent animal deaths. Additionally, the office action asserts that it would have been obvious to substitute a cage as taught by Demurjian for the stall of Maus. However, Applicant can discern no motivation whatsoever for making this combination, whether explicit, implicit, or common sense. Why would one wish to use cages to restrain horses?

Thus, the noted claims are clearly allowable over the proposed reference combination.

Claims 1, 8, 10, 21, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruggieri et al. '590.

This rejection is untenable, and should be withdrawn, essentially for the reasons discussed above in connection with the rejection of claim 32 based on the Ruggieri et al. patent.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruggieri et al. '590 in view of Azpurua et al. '845. This rejection is also untenable, for the reasons discussed above.

In view of the foregoing, Applicants respectfully submit that the subject application is in condition for allowance, and early notification of same is earnestly solicited. The Examiner is requested to contact the undersigned at the number below,

Response to Office Action Dated March 8, 2007

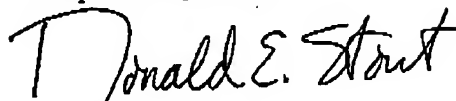
June 8, 2007

A-1583CON

Page 8

should any further questions or issues need to be resolved.

Respectfully submitted,



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